

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Billy Franklin Capps, Jr.

Docket No. 7:05-CR-18-1D

Petition for Action on Supervised Release

COMES NOW Pamela O. Thornton, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Billy Franklin Capps. Jr., who, upon an earlier plea of guilty to Transporting Material Involving the Sexual Exploitation of a Minor, 18 U.S.C. §2252(a)(1)(A) and (B), was sentenced by the Honorable James C. Dever, III, Chief U.S. District Judge on October 12, 2005, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 120 months.

Billy Franklin Capps Jr was released from custody on October 5, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The releasee was referred for individual sex offender treatment sessions with SOS Counseling on September 9, 2014. His treatment plan was modified to include group counseling beginning in July, 2015. Since his referral to group therapy, the releasee has been non-compliant and disrespectful to his therapist and the other group members. He has consistently reported late for sessions and failed to report for several sessions. Based on his non-compliant behavior, SOS Counseling terminated the releasee from group on October 20, 2015.

Upon questioning the releasee regarding his non-compliant behavior, he stated that he didn't feel comfortable in group and didn't want to go. He was verbally admonished for his irresponsible behavior, and how he handled the situation. As a sanction for his behavior, he agreed to serve a weekend in jail. The releasee will continue to participate in individual counseling at SOS Counseling Services. Pursuant to a joint meeting with his therapist and myself, the releasee signed a contractual agreement to abide by all conditions of his treatment plan from now on. The releasee is currently working and otherwise in compliance with his conditions of release. The releasee signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 1 weekend, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.


Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2048
Executed On: November 10, 2015

ORDER OF THE COURT

Considered and ordered this 16 day of November, 2015 and ordered filed and
made a part of the records in the above case.


James C. Dever, III
Chief U.S. District Judge